

ESTTA Tracking number: **ESTTA373930**

Filing date: **10/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196650
Party	Defendant KILIM FURNITURE INTERNATIONAL LLC
Correspondence Address	KILIM FURNITURE INTERNATIONAL LLC KILIM FURNITURE INTERNATIONAL LLC 791 PAULISON AVE CLIFTON, NJ 07011-3608  erdinc@karabulutandco.com
Submission	Answer
Filer's Name	MARK J. INGBER
Filer's e-mail	ingber.law@verizon.net
Signature	/MARK J. INGBER/
Date	10/19/2010
Attachments	Answer to Notice of Opposition No. 91196650.pdf ( 6 pages )(1305059 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:  
Application Serial No. 77808819  
Published in the Official Gazette  
August 3, 2010

**KILIM MOBILYA KANEPE SANAYI VE  
TICARET A.S.**

**Opposer,**

**vs.**

**KILIM FURNITURE  
INTERNATIONAL LLC,**

**Applicant.**

**Opposition No. 91196650**

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

The Applicant, Kilim Furniture International LLC, by its attorneys, in response and in answer to the Notice of Opposition filed by Kilim Mobilya Kanepe Sanayive in the above-captioned proceeding, states as follows:

Applicant, Kilim Furniture International LLC, denies each and every allegation and averment of the Notice of Opposition, except as expressly admitted or otherwise denied as set forth hereinbelow; and regarding the preamble paragraph of the Notice of Opposition, Applicant is without knowledge or information as to the allegations

contained therein, but specifically denies that Opposer will be damaged by registration of Applicant's Application Serial No. 77808819.

1. Answering paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information as to the allegations contained therein and accordingly denies the allegations.
2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegations thereof.
3. Answering paragraph 3 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
4. Answering paragraph 4 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
5. Answering paragraph 5 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
6. Answering paragraph 6 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
7. Answering paragraph 7 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
8. Answering paragraph 8 of the Notice of Opposition, Applicant is without knowledge or information as to the allegations contained therein and accordingly denies the allegations.
9. Answering paragraph 9 of the Notice of Opposition, Applicant is without knowledge or information as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Notice of Opposition, Applicant admits the allegations thereof.
11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
14. Answering paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
15. Answering paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
16. Answering paragraph 16 of the Notice of Opposition, Applicant admits the allegations thereof.
17. Answering paragraph 17 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
18. Answering paragraph 18 of the Notice of Opposition, Applicant admits the allegations thereof.
19. Answering paragraph 19 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
20. Answering paragraph 20 of the Notice of Opposition, Applicant is without knowledge or information as to the allegations contained therein and accordingly denies the allegations.



21. Answering paragraph 21 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

22. Answering paragraph 22 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

23. Answering paragraph 23 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

24. Answering paragraph 24 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

There is no likelihood of confusion, mistake or deception because, *inter alia* Applicant's mark and the pleaded mark of Opposer are not confusingly similar.

#### **SECOND DEFENSE**

Alternatively, if the marks are deemed to be confusingly similar, then Applicant's rights in and to its mark are superior to Opposer's rights to its mark because of Applicant's prior adoption and use of its mark in interstate commerce in the United States.

#### **THIRD DEFENSE**

Applicant has been using its mark and developing consumer recognition and goodwill in its mark for over 4 years and Opposer has done nothing and is consequently barred by laches, acquiescence and estoppels from opposing Applicant's application.

#### **FOURTH DEFENSE**

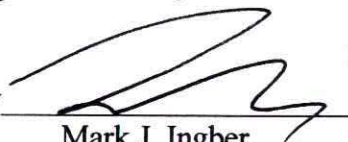
Pursuant to the parties' Operating Agreement, Omer Kartal was designated, and accepted such designation, as the "Manager" of the Applicant. The Manager is responsible for the operation of Applicant's business in the ordinary course and shall have the authority to do all things that he determines, in his sole discretion, to be in the furtherance of the purpose of the Applicant. The Manager shall have the right to enter into and execute all contracts, documents, and other agreements on behalf of the Applicant, including the filing of the instant application, and shall thereby fully bind the Applicant.

Respectfully submitted,

Ingber & Gelber, LLP

Dated: October 19, 2010

By



Mark J. Ingber  
Attorney for Applicant  
181 Millburn Avenue, Suite 202  
Millburn, NJ 07041

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid to:

**Barbaros Karaahmet, Esq.  
370 Lexington Avenue, 24<sup>th</sup> Floor  
New York, NY 10017  
Attorney for Opposer**

On October 19, 2010

  
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MARK J. INGBER